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1952

File No. O. Dentists/52

Legal Deptt,

A BRANCH

p.3LE

Subject:— Opinions under the Dentists Act, 1948.

File No. O. Dentists/52

Gen. 194

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	O.No. 12751 1/8/52.		

Rele. N.R.

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R.I. No. 18739/80-6-52.

Office of the R. L. A.

The offence under section 49 of the Dentists Act, 1948, is non-cognizable. The Police will not investigate it without the order of a Magistrate; vide section 155 Criminal Procedure Code. The procedure required to be followed is that a complaint has to be filed before the Magistrate competent to take cognisance of the offence; vide section 190(1)(a) of the Criminal Procedure Code. The complaint will hve to be by the order of the State Government or the State Dental Council; vide section 38 of the Dentists Act. After the complaint is filed the Magistrate may, if he thinks fitm before issuing process, direct an inquiry or investigation to be made by a police officer for the purpose of ascertaining the truth of falsehood of the complaint; vide section 202 Criminal Procedure Code.

2. The State Dental Council is a body corporate vide section 24 of the Dentists Act. Therefore, that body will ordinarily have to make its own arrangements for engaging a pleader to conduct its cases. However, if Government so desires, the Law Officers of Government can be entrusted with the conduct of the case.

Sd/-

8/7

Remembrancer of Legal Affairs.

U.O. to L.S.G. & P.H.D., No. 11328, dated the 9th April 1952.

Office of the R. L.A.

Seen and returned.

Ia/-
31/7.

U.R. to L.S.G. & P.H.D. No. 18751, dated the 1st August 1952.